

FREQUENTLY ASKED QUESTIONS

- **What if I want mediation and the other person doesn't?**

Mediation is voluntary. If one person chooses not to participate, mediation cannot take place.

- **Can I use mediation instead of disciplinary or corrective action?**

No. Mediation cannot be used to replace a disciplinary or corrective action. However, mediation can be very beneficial to those who have received a disciplinary action or are on corrective action to help parties understand the other's view. Mediation also helps improve continuing relationships

- **If I am unable to resolve the conflict through mediation, will the mediator be able to testify in court as to what took place in the mediation?**

No Mediation is confidential. At the beginning of a resolution conference all participants sign a confidentiality agreement. That agreement includes a clause that prohibits mediators from being asked to testify.

Do I need an attorney?

No. Mediation is an informal forum for dispute resolution. An Attorney is not necessary. If an attorney is present their actions will be limited since the disputing parties will be the ones working to resolve the issues.

- **Is there a charge for mediation?**

No. Mediation is free to all state employees.

- **Where does the mediation occur?**

Most Resolution Conferences will be held at DHRM in Salt Lake City. If you are located outside of the Wasatch Front, or need a more neutral location, one will be located in your area.

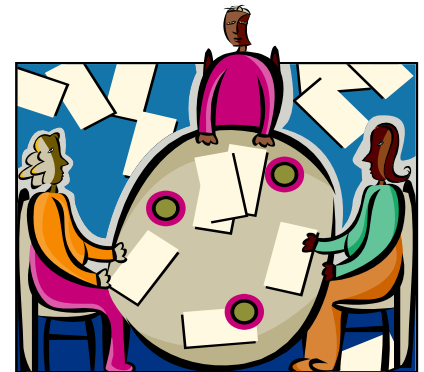
For more information about the
Mediation Program, please contact:

State of Utah
Dept. of Human Resource Management
State Office Building
Suite 2120
Salt Lake City, UT 84114
(801) 538-3025
TTY (801) 538-3696

or online at
www.dhrm.utah.gov

Mediation for State Employees

An alternative to grievances



For more information about the
Mediation Program, contact
DHRM's ADR Coordinator

Jamie Nagle, at (801) 538-3377

or see the DHRM website under
"Employee Relations"—
www.dhrm.utah.gov

WHAT IS MEDIATION?

Mediation is an Alternative Dispute Resolution (ADR) process. Mediation provides employees, supervisors and managers the opportunity to resolve conflicts informally through collaboration. The end result often includes improved working environments, relationships and more open lines of communication.

How does it work? When there is an unresolved dispute or a formal grievance is filed, mediation can be requested by either an employee or an agency by contacting DHRM's ADR Coordinator. After initial screening to determine if mediation is appropriate, the Coordinator will schedule an ADR conference at a neutral location with a qualified mediator. Mediation does not replace or interfere with the formal grievance process. If a grievance has been filed, the grievance timelines are suspended pending the outcome of the mediation.

If mediation provides resolution to the conflict, DHRM is notified that mediation has concluded and/or that the employee's grievance is withdrawn. Since details about the mediation are confidential, including discussion and any subsequent agreements, notification to the agency is limited and only includes information about the outcome (*i.e.* grievance is "resolved", "partially resolved", or "not resolved") and any subsequent action required following the mediation. Mediation records do not appear in personnel files.



WHY USE MEDIATION?

Problems can be resolved before they escalate. Workplace problems that are not solved have a way of growing into much bigger problems. Mediation provides an opportunity to address conflicts before the employee becomes so dissatisfied that he/she files a grievance or lawsuit or leaves their job.

Participants determine the outcome.

Mediators DO NOT determine the outcome of cases. The mediator acts as a facilitator to ensure all parties are afforded the opportunity to speak to the issues in a respectful, non-judgmental way and assists them in reaching their own solution

Parties are on an equal footing since mediators are neutral. Oftentimes when a dispute arises in the workplace, one or both parties may feel more vulnerable due to a perceived power imbalance. This could be due to rank (job title), length of service, educational level, size of person, or degree of aggression. In Alternative Dispute Resolution, the mediator's role is to facilitate a resolution to the dispute; a resolution that both parties can agree to. The mediator is neither an advocate nor an adversary to either party. The mediator ensures that both parties have equal participation in the process and will not allow anyone to feel intimidated.

There's nothing to lose by trying mediation. Since any settlement agreement must be acceptable to BOTH people in the mediation, there is nothing to lose by trying it. If mediation does not result in an agreement, the person can still file a grievance.

Mediation is confidential. A supervisor may know when an employee participates in a resolution conference because they are away from work. However, all parties involved in mediation sign confidentiality agreements and information discussed during the mediation is not disclosed to anyone.

Helps reduce feelings of hostility. When a workplace conflict remains unresolved, resentment and hostility often arise. As a result, people begin to communicate ineffectively or stop communicating entirely. Mediation helps both parties express their feelings in a non-hostile way so that each one understands the other's point of view.

Improves morale. When there is an unresolved conflict or communication problem the morale of the employees involved, as well as their coworkers suffers. Conversations generally are focused on complaining about the problem, creating polarization instead of a supportive team environment. In mediation, both parties involved in the dispute participate and agree to the resolution; there are no winner's or losers. Mediation produces a more cohesive work environment *after* a dispute has taken place.

Improves working relationships. One need not socialize with co-workers if they choose not to do so. However, working relationships based on mutual respect are important in maintaining a positive work environment and a cohesive team relationship.

Mediation promotes a win-win outcome. Mediation has become increasingly popular as people recognize the benefit of participating in a mutually agreeable outcome. When problems are resolved in a formal legal forum, a third party determines the outcome and there is a winner and a loser. Generally, people who participate in Alternative Dispute Resolution say they are satisfied with the outcome and their situation has improved.

